

EXHIBIT 1



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FEDERAL BUREAU OF INVESTIGATION

Date of entry 09/26/2022

**DELIBERATIVE MATERIAL/ATTORNEY WORK PRODUCT/PRIVILEGED ATTORNEY-CLIENT
COMMUNICATION**

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On August 8, 2022, Federal Bureau of Investigation Special Agents ("SAs") **FBI 17, 13, 36, and 5** served as "filter team" agents and **FBI 12** served as filter team leader (together, the "Filter Team") during the execution of a court-authorized search warrant (the "Search Warrant") of the property located at 1100 S. Ocean Blvd., Palm Beach, Florida 33480 (the "Premises") for items identified in the attachment to the Search Warrant (the "Attachment B").

FILTER PROCEDURES

Specifically, the Attachment B identified with particularity the following items to be seized: All physical documents and records constituting evidence, contraband, fruits of a crime, or other items illegally possessed in violation of 18 U.S.C. §§ 793, 2071, or 1519, including the following:

1. Any physical documents with classification markings, along with any containers/boxes (including any other contents) in which such documents are located, as well as any other containers/boxes that are collectively stored or found together with the aforementioned documents and containers/boxes;
2. Information, including communications in any form, regarding the retrieval, storage, or transmission of national defense information or classified material;
3. Any government and/or Presidential Records created between January 20, 2017, and January 20, 2021; and

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Investigation on 08/08/2022 at Palm Beach, Florida, United States (In Person)File # [REDACTED] Date drafted 08/23/2022by **FBI 17, 13, 36, and 5**

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4. Any evidence of the knowing alteration, destruction, or concealment of any government and/or Presidential Records, or of any documents with classification markings.

The Affidavit to the Search Warrant also set forth general search procedures for the Filter Team, including stating that if the Filter Team "determines the documents or data are not potentially attorney-client privileged, they will be provided to the law-enforcement personnel assigned to the investigation." In addition, the Affidavit provided that "[i]f the [Filter] Team determines that documents are potentially attorney client privileged or merit further consideration in that regard, a [Filter] Team attorney may do any of the following:

1. apply *ex parte* to the court for a determination whether or not the documents contain attorney-client privileged material;
2. defer seeking court intervention and continue to keep the documents inaccessible to law-enforcement personnel assigned to the investigation; or
3. disclose the documents to the potential privilege holder, request the privilege holder to state whether the potential privilege holder asserts attorney-client privilege as to any documents, including requesting a particularized privilege log, and seek a ruling from the court regarding any attorney-client privilege claims as to which the [Filter] Team and the privilege-holder cannot reach agreement."

Prior to commencing the search, the Department of Justice ("DOJ") assigned [REDACTED]

[REDACTED], as the Filter Team attorneys. In addition, prior to commencing the search, the Filter Team received an email brief from [REDACTED] and a more formal memorandum that provided specific procedures for conducting the filter review (the "Filter Memorandum"). In pertinent part, the Filter Memorandum provided:

As set forth in paragraph 82 of the warrant, the filter team will conduct the search of the 45 Office and will seize materials responsive to Attachment B of the warrant ("responsive materials"). As part of the search protocols, the filter team will conduct an initial review of any responsive materials to determine whether the materials contain potentially privileged information. To the extent there is any doubt or question as to whether any materials are potentially privileged, the filter team should err on the side of

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caution and mark the materials as potentially privileged for further review. If the filter team determines that any responsive materials contain potentially privileged information, the filter team should clearly mark the materials as potentially privileged. If potentially privileged materials are comingled with non-privileged materials in a container, the filter team should clearly mark the entire container (or evidence envelope containing the contents of certain containers, such as desk drawers) as potentially privileged. Materials (and containers and evidence envelopes) marked as potentially privileged will be reviewed further, likely at a different location and time, to allow for the steps described in paragraph 84 to be considered by the filter attorneys. The FBI will decide whether any responsive materials marked as potentially privileged will remain in Florida or be transferred to DC depending on the outcome of the search.

If, during the search of the 45 Office, the filter team identifies a document marked as classified that is comingled in a container with potentially privileged materials, the filter team should document the location of the classified document, photograph it and the location where it was found, including with the comingled documents and container, and then provide the classified document to the case team so that it can be handled appropriately. The filter team should seize the remainder of the comingled materials as being responsive to Attachment B and clearly mark the container as potentially privileged. The FBI will maintain evidence and chain-of-custody logs for the classified document and the container and comingled documents.

Additionally, while ERT is not part of the filter team, the ERT members involved with documenting the search of the 45 Office [may] be exposed to potentially privileged materials, and so, they should be working closely with the filter team to ensure that all potentially privileged information is segregated from the case team. For example, the filter team should be mindful that photographs taken by ERT of any responsive materials in the 45 Office, including the location where the materials were found and any other comingled materials, may also contain potentially privileged materials. The filter team should mark the SD card(s) containing photographs of the 45 Office and any responsive

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materials found within the office as potentially privileged for further privilege review [if photographs of potentially privileged materials were taken]. The SD card(s) should also be marked with appropriate classified markings if photographs of classified documents were taken.

FILTER SEARCH OF THE "45 OFFICE"

The search of the Premises commenced at approximately 10:00 AM. [REDACTED] FBI 12, 17, and 13 [REDACTED] proceeded to an area located near a kitchen that contained a storage area with a back-right room enclosed by a gold-painted door that contained a padlock (the "Storage Room"). While members of the search team awaited for a key to the Storage Room, Filter Team members performed a quick search of all furniture and other items in plain view to ensure that no potentially privileged documents could be viewed by members of the case team. Filter Team members found no such documents.

Before the case team could locate a key or otherwise open the Storage Room, all Filter Team members were instructed by the case team to proceed to a second-floor office location known as the "45 Office." The 45 Office contained two primary rooms. As one walks up the stairs to the 45 office, the first room is the ante room accessible only from the stairwell that contained three office desks (the "Ante Room"). The 45 Office also contained an adjacent room with a single office desk accessible only from the ante room and an additional smaller room and a bathroom (the "Primary Office").

Just prior to the Filter Team entering the Ante Room, photographers captured entry photographs. At that point, all members of the Filter Team performed an initial plain view search of the Ante Room. No potentially privileged documents were found in plain view. Photographers then took entry photographs of the primary office, and all Filter Team members performed a plain view search of the Primary Office. Again, no potentially privileged documents were found in plain view. At that point, the Filter Team learned that the case team had gained access to the Storage Room. SA FBI 36 [REDACTED] then moved to the Storage Room to assist with filter procedures for any documents found therein.

Primary Office

FBI 17, 13, and 5 [REDACTED] then began a detailed search of the

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Primary Office for potentially privileged documents. SA **FBI 17** located potentially privileged documents in the top right drawer of the single desk located in the Primary Office. These documents were not commingled with any relevant documents. For this reason, SA **FBI 17** applied tape across the drawer and affixed a sign indicating that the contents of the drawer contained potentially privileged information. Around the same time, SA **FBI 5** located one document with classification markings in another drawer in the same desk.

SA **FBI 13** then began searching a closet adjacent to the Primary Office that contained clothing and other items, while SA **FBI 17** searched bookcases in the Primary Office. Shortly after beginning this search, SA **FBI 13** was joined by SA **FBI 5**. During the search of the closet, SAs **FBI 13 and 5** discovered a box that contained many documents bearing classification markings but that did not contain any potentially privileged documents.

SAs **FBI 13, 5, and 17** located no additional potentially privileged documents in the Primary Office beyond what was observed in the top-right drawer of the single desk.

Ante Room

SAs **FBI 13, 5, and 17** then proceeded to perform a detailed search of the Ante Room, including the three office-type desks present there. These SAs each individually began searching separate desks. However, shortly after beginning the desk searches, SA **FBI 5** left for the Storage Room to assist SA **FBI 36** who had requested additional help.

SAs **FBI 13 and 17** found no potentially privileged documents in the two desks located in the right side of the Ante Room. However, SAs **FBI 17 and 13** did observe potentially privileged documents in and near the left-most desk in the Ante Room located just before the entrance to the Primary Office. First, SA **FBI 17** found several potentially privileged documents behind the left desk near a printer. These documents included, among other things, billings from a law firm, a handwritten note, and an affidavit that may have been a draft. These documents were not commingled with relevant documents but were located with and around other documents not relevant to the investigation and thus not subject to seizure under Attachment B.

FBI 12 and 17 then held several telephone calls with Attorney

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[REDACTED] about these documents. In order to prevent the possibility that case team members would see the potentially privileged documents, and out of an abundance of caution, Attorney [REDACTED] agreed that the Filter Team should set these documents aside. SA FBI 17 then set each of these potentially privileged documents on a coffee table and covered them with cover sheets indicating privileged information. Later, when the case team had finished its work in the Ante Room, these documents were returned to the area where they were found and the cover sheets were removed.

SA FBI 17 then searched the drawers on the left-side desk. SA FBI 13 later assisted SA FBI 17 with the bottom-right drawer of that final desk, which contained a significant number of papers amongst hanging file folders. Within that bottom-right drawer, SA FBI 17 and 13 detected potentially privileged documents amongst other items, including apparent correspondence between the former President of the United States and the Leader of North Korea, and three U.S. Passports (two personal and one official) of the former President of the United States. Amongst these documents, SAs FBI 17 and 13 found other documents appearing to be Presidential Records. Because the bottom-right desk drawer contained both potentially privileged documents and documents to be seized under Attachment B, and consistent with the instructions in the Filter Memorandum, SAs FBI 17 and 13 [REDACTED] taped and marked the bottom-right desk drawer signifying potentially privileged documents, and instructed FBI Evidence Response Team members to seize the contents of the entire drawer and mark its outside packing as "Privileged." The contents of the desk drawer were identified as "4 - Documents" on the Receipt of Property.

[Agent Note: the search of the bottom-right drawer of the final desk in the Ante Room is the subject of a more fulsome FD-302 filed under the same case file number.]

Following the search of the final desk in the Ante Room, SAs FBI 17 and 13 [REDACTED] then searched various other cabinets and furniture in the Ante Room. SAs FBI 17 and 13 also searched a bathroom adjacent to the Ante Room. SAs FBI 17 and 13 found no additional potentially privileged documents. Following the conclusion of the filter search of the 45 Office, SAs FBI 17 and 13 then proceeded to the Storage Room.

FILTER SEARCH OF STORAGE ROOM

After the case team had gained access to the Storage Room, SA FBI 36

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performed an initial plain view search before photographers obtained entry photographs. The Storage Room contained numerous cardboard and "bankers" type boxes amongst items of presidential memorabilia.

Before beginning a detailed search of the Storage Room, SA **FBI 36** was joined by SA **FBI 5**. As instructed by the case team and the Filter Team attorneys, SAs **FBI 36 and 5** searched individual boxes within the storage room to determine whether any boxes had relevant material subject to seizure under Attachment B and to determine whether any boxes contained potentially privileged material. SAs **FBI 13** and **FBI 17** joined later.

The Filter Team detected that several boxes in the Storage Room contained information bearing classification markings at varying classification levels in addition to documents appearing to be presidential records. In addition, the following five boxes were determined to have potentially privileged documents commingled amongst other documents relevant to the investigation and which were subject to seizure under Attachment B:

1. 29 - Box Labeled A-14;
2. 30 - Box Labeled A-26;
3. 31 - Box Labeled A-43;
4. 32 - Box Labeled A-13;
5. 33 - Box Labeled A-33.

Prior to marking the above-listed boxes as containing potentially privileged information, SA **FBI 17** held a telephone conversation with Attorney **[REDACTED]** concerning the content of the potentially privileged documents. Attorney **[REDACTED]** agreed to treat each of the documents in question as potentially privileged. SA **FBI 17** then taped and marked each of the above-listed five boxes as containing potentially privileged information and instructed Evidence Response Team members to keep those boxes separated from others.

FILTER SEARCH OF RESIDENTIAL AREAS

Following the conclusion of the filter search of the Storage Room, SAs **FBI 17, 36, 13, and 5** began searching areas of the Premise known as the "Residence," including bedrooms and related areas of the former President of the United States and his family. SAs **FBI 17, 36, 13, and 5** began by performing plain view searches and then later commenced detailed searches in areas where documents and other papers could be found.

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At approximately the same time, FBI 12 began a plain view search for potentially privileged materials in and around unoccupied residential rooms in other areas of the Premises. FBI 12 located no potentially privileged documents and no documents to be seized under Attachment B.

FBI 12 then joined the remaining members of the Filter Team and assisted the Filter Team to finish the filter search of the areas in the Residence. The Filter Team located no potentially privileged documents or materials in the Residence. Likewise, the Filter Team did not locate any documents or other materials relevant and that could be seized under Attachment B within the Residence area.

SEIZURE AND TRANSPORT OF POTENTIALLY PRIVILEGED DOCUMENTS

In total, the Filter Team seized the following items listed in the appropriate Receipt for Property that contained potentially privileged documents:

1. 4 - Documents;
2. 29 - Box Labeled A-14;
3. 30 - Box Labeled A-26;
4. 31 - Box Labeled A-43;
5. 32 - Box Labeled A-13;
6. 33 - Box Labeled A-33.

FBI 12 signed and provided a Receipt for Property indicating the seizure of these items. Per the procedures in the Filter Memorandum and as instructed by attorneys from DOJ, these six boxes containing potentially privileged information were transported to FBI's Washington Field Office for a subsequent and more thorough filter review by another filter team in consultation with Filter Team attorneys.

FBI 12 and 17 transported the six boxes to the FBI Miami Filed Office for overnight storage in a secured area. During this transport, FBI 12 and [REDACTED] utilized a separate van to transport the six boxes containing potentially privileged materials so as not to commingle boxes containing potentially privileged materials from boxes that did not contain potentially privileged materials. The next day, August 9, 2022, FBI 12 and 17 transported the six boxes to an FBI airplane, again in a van separate from other evidence seized during the search. FBI 12 then accompanied the six boxes on the FBI airplane. To maintain separation

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between potentially privileged documents and documents not potentially privileged, FBI 12 [REDACTED] moved the six boxes of potentially privileged materials into the passenger area of the airplane, while all other evidence collected during the search was stored in the cargo area of the airplane. Upon arrival in Washington, FBI 12 [REDACTED] transferred custody of the six boxes to members of the WFO Filter Team.

The following documents will be maintained in the electronic 1A section of this file:

1. Receipt for Property (containing potentially privileged documents);
2. The Search Warrant, Attachments A and B, and pertinent sections of the accompanying affidavit detailing the filter procedures;
3. The Filter Memorandum; and
4. Filter Team email communication.

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